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Practitioner's Docket No.: 961_006

JUL 23 2004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael W. LaCourt et al.

Ser. No.: 09/910,399

Art Unit: 1743

OFFICIAL

Filed: July 20, 2001

Examiner: Jan M. Ludlow

For: AUXILIARY SAMPLE SUPPLY FOR A CLINICAL ANALYZER

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 3, 2003.



Susanne C. Aregano

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the pending Restriction Requirement noted in Paper No. 3, dated October 3, 2003, Applicants' herein provisionally elect Group I directed to Claims 1-14 and 41-60 pursuant to 35 USC §121 for prosecution on the merits.

With regard to the non-elected claims, Applicants' herein reserve the right to file divisional patent applications relating thereto.

However, Applicants' respectfully traverse the restriction requirement since the subject matter of all of claims - is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application

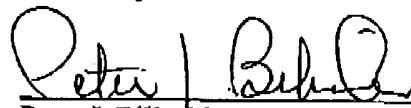
in order to avoid unnecessary delay and expense to Applicants' and improper duplicative examination by the Patent Office.

If the Examiner wishes to expedite disposition of the above-captioned patent application, he is invited to contact Applicants' representative at the telephone number below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

Wall Marjama & Bilinski LLP



Peter J. Bilinski
Reg. No. 35,067

November 3, 2003

Date

PJB/sca
Telephone: (315) 425-9000

Customer No.: 20874